

Irwin A. Schiff, 08537-014  
Federal Correctional Complex  
P.O Box 33  
Terre Haute, IN 47808

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

2003 Jun -6 P 3:17

UNITED STATES OF AMERICA )  
v. Plaintiff, ) CR-S-04-119-KLD-LRL  
IRWIN A. SCHIFF ) Motion and Affidavit  
Defendant. ) to proceed  
 ) In Forma Pauperis

Since defendant is without assets, he moves that this Court allow him to proceed in forma pauperis.

In support of this motion, and in the interest of expediency I am submitting in support of my Motion the affidavit I submitted to the Supreme Court which accepted my affidavit and permitted me to proceed in forma pauperis., but denied certiorari. Since I have only been in Terre Haute approximately 7 weeks, this institution will only have approximately 7 weeks of commissary activity, while the commissary documents that supported my Supreme Court affidavit showed 5 months of commissary activity. If this affidavit is not acceptable, I will write to Otisville for a 6 month statement, plus I will get a current statement from Terre Haute.

I swear under penalty of perjury under the laws of the United States that my finances have not changed since I completed the attached affidavit for the Supreme Court on August 1, 2007, Docket No. 07-5812. My commissary activity was largely the same and my current commissary balance is 56.80, which will be further reduced by today's purchases.

I further swear under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal, or post a bond for them. I believe I am entitled to redress.

Dated: June 3, 2008

John A. Schiff

Irwin A. Schiff, pro se

**Supreme Court of the United States**

Irwin A. Schiff  
(Petitioner)

v.

No. 07-5812

United States  
(Respondent)

To \_\_\_\_\_ Counsel for Respondent:

**NOTICE IS HEREBY GIVEN** pursuant to Rule 12.3 that a petition for a writ of certiorari in the above-entitled case was filed in the Supreme Court of the United States on June 21, 2007, and placed on the docket August 10, 2007. Pursuant to Rule 15.3, the due date for a brief in opposition is Monday, September 10, 2007. If the due date is a Saturday, Sunday, or federal legal holiday, the brief is due on the next day that is not a Saturday, Sunday or federal legal holiday.

Unless the Solicitor General of the United States represents the respondent, a waiver form is enclosed and should be sent to the Clerk only in the event you do not intend to file a response to the petition.

Only counsel of record will receive notification of the Court's action in this case. Counsel of record must be a member of the Bar of this Court.

Mr. Irwin A. Schiff  
FCI Fort Dix  
PO Box 2000, Unit 5752  
Fort Dix, NJ 08640

*m:me*

2 58

No. \_\_\_\_\_

7006 0810 0005 3625 5815

IN THE  
SUPREME COURT OF THE UNITED STATES

Irwin A. Schiff — PETITIONER  
(Your Name)

VS.

United States of America — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

[ ] Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):  
\_\_\_\_\_  
\_\_\_\_\_

[] Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Irwin A. Schiff  
(Signature)

**AFFIDAVIT OR DECLARATION  
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, Iewin A. Schiff, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>9.60</u>	\$ <u>N/A</u>	\$ <u>9.60</u>	\$ <u>N/A</u>
Self-employment	\$ <u>-0-</u>	\$ <u>  </u>	\$ <u>-0-</u>	\$ <u>  </u>
Income from real property (such as rental income)	\$ <u>-0-</u>	\$ <u>  </u>	\$ <u>-0-</u>	\$ <u>  </u>
Interest and dividends	\$ <u>-0-</u>	\$ <u>  </u>	\$ <u>-0-</u>	\$ <u>  </u>
Gifts	\$ <u>266</u>	\$ <u>  </u>	\$ <u>250</u>	\$ <u>  </u>
Alimony	\$ <u>-0-</u>	\$ <u>  </u>	\$ <u>-0-</u>	\$ <u>  </u>
Child Support	\$ <u>-0-</u>	\$ <u>  </u>	\$ <u>-0-</u>	\$ <u>  </u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>-0-</u>	\$ <u>  </u>	\$ <u>-0-</u>	\$ <u>  </u>
Disability (such as social security, insurance payments)	\$ <u>-0-</u>	\$ <u>  </u>	\$ <u>-0-</u>	\$ <u>  </u>
Unemployment payments	\$ <u>-0-</u>	\$ <u>  </u>	\$ <u>-0-</u>	\$ <u>  </u>
Public-assistance (such as welfare)	\$ <u>-0-</u>	\$ <u>  </u>	\$ <u>-0-</u>	\$ <u>  </u>
Other (specify): _____	\$ <u>  </u>	\$ <u>  </u>	\$ <u>  </u>	\$ <u>  </u>
<b>Total monthly income:</b>	<b>\$ <u>275.60</u></b>	<b>\$ <u>-0-</u></b>	<b>\$ <u>259.60</u></b>	<b>\$ <u>-0-</u></b>

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
Self	444 East Sahara Ave Las Vegas, NV 89104	August 1 - Oct. 20, 2005	Unknown
Federal Prisoner	various institutions	October 20, 05 to present	\$

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A			\$
			\$
			\$

4. How much cash do you and your spouse have? \$36.12 in my commissary account.  
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
None		\$ - 6 -	\$
		\$	\$
		\$	\$

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home - Condominium ②  
Value As I recall, I paid \$57,000 for the condo in 1980

Other real estate  
Value \_\_\_\_\_

Motor Vehicle #1  
Year, make & model None  
Value \_\_\_\_\_

Motor Vehicle #2  
Year, make & model \_\_\_\_\_  
Value \_\_\_\_\_

Other assets  
Description None  
Value \_\_\_\_\_

[1] My criminal trial began Sept. 12, 2005 and I devoted August, September, and October of 2005 preparing for and conducting my trial, in which I defended myself pro se. I was immediately incarcerated upon being found guilty on 10/20/2005. The revenue that came in during this time (largely from donations) was used to keep my office open. I have no record or recollection of any excess funds available to me.

[2] The liens on my condominium exceed my equity. In addition, I owe no less than \$5,145 in unpaid condominium association assessments. My present tenant pays all the costs of maintaining the condo, such: mortgage payments, ground lease, monthly condo fees, taxes, insurance, and the maintenance of appliance. They pay these amounts in lieu of paying rent to me.

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>U.S. Government</u>	<u>\$ 76,215.00</u>	<u>\$ _____</u>
_____	<u>\$ _____</u>	<u>\$ _____</u>
_____	<u>\$ _____</u>	<u>\$ _____</u>

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
<u>None</u>	_____	_____
_____	_____	_____
_____	_____	_____

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <u>    </u>	\$ <u>714</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone) <u>Telephone</u>	\$ <u>69.00</u>	\$ _____
Home maintenance (repairs and upkeep) <u>postage</u>	\$ <u>60.00</u>	\$ _____
Food <u>Photo-copying @ .15 a copy</u>	\$ <u>20.00</u>	\$ _____
Clothing <u>Misc. Commissary items, such as: Toiletries, vitamins, juice and snack items</u>	\$ <u>100.00</u>	\$ _____
Laundry and dry-cleaning	\$ <u>    </u>	\$ _____
Medical and dental expenses	\$ <u>    </u>	\$ _____

(1) The Social Security Administration fraudulently and illegally turned over 100% of my monthly Social Security benefit, in response to an IRS notice of levy, starting in 1995 and running through September of 2005. On April 20, 2007 I filed an administrative claim for refund for this amount plus interest, in which I alleged fraud along with violations of law.

	<b>You</b>	<b>Your spouse</b>
Transportation (not including motor vehicle payments)	\$ <u><u>7/4</u></u>	\$ <u><u>N/A</u></u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u><u>N/A</u></u>	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u><u>—</u></u>	\$ _____
Life	\$ <u><u>—</u></u>	\$ _____
Health	\$ <u><u>—</u></u>	\$ _____
Motor Vehicle	\$ <u><u>—</u></u>	\$ _____
Other: _____	\$ <u><u>—</u></u>	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u><u>—</u></u>	\$ _____
Installment payments		
Motor Vehicle	\$ <u><u>—</u></u>	\$ _____
Credit card(s)	\$ <u><u>—</u></u>	\$ _____
Department store(s)	\$ <u><u>—</u></u>	\$ _____
Other: _____	\$ <u><u>—</u></u>	\$ _____
Alimony, maintenance, and support paid to others	\$ <u><u>—</u></u>	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u><u>—</u></u>	\$ _____
Other (specify): _____	\$ <u><u>—</u></u>	\$ _____
<b>Total monthly expenses:</b>	<u><u>\$ 249</u></u>	\$ _____

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes  No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form?  Yes  No

If yes, how much? \_\_\_\_\_

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes  No

If yes, how much? \_\_\_\_\_

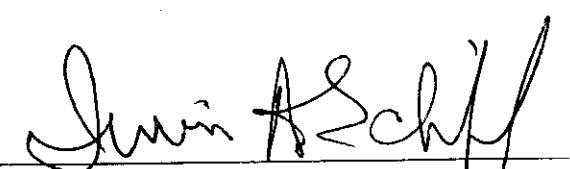
If yes, state the person's name, address, and telephone number:

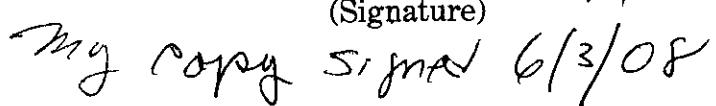
12. Provide any other information that will help explain why you cannot pay the costs of this case.

I have no funds of my own. The cost of my criminal appeal (now pending) exhausted whatever funds I had managed to save. The only way I could pay the cost of this case is to prevail upon a private party or an organization to pay the costs for me.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 1, 2007

  
(Signature)



9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes  No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form?  Yes  No

If yes, how much? \_\_\_\_\_

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes  No

If yes, how much? \_\_\_\_\_

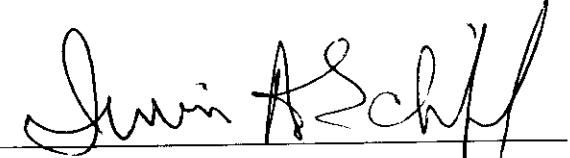
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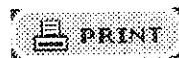
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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 1, 2007

  
(Signature)

My copy signed 6/3/08



## Inmate Statement

**Inmate Reg #:** 08537014      **Current Institution:** Fort Dix FCI  
**Inmate Name:** SCHIFF, IRWIN      **Housing Unit:** FTD-F-A  
**Report Date:** 07/12/2007      **Living Quarters:** F01-093L  
**Report Time:** 4:27:06 PM

<u>Alpha Code</u>	<u>Date/Time</u>	<u>Reference#</u>	<u>Payment#</u>	<u>Receipt#</u>	<u>Transaction Type</u>	<u>Transaction Amount</u>	<u>Encumbrance Amount</u>	<u>Ending Balance</u>
FTD	7/10/2007 3:38:12 PM	GIPP0607			Payroll - IPP	\$9.60 ✓		\$156.97
FTD	7/9/2007 5:47:16 PM	57			Sales	(\$7.80)		\$147.37
FTD	7/9/2007 5:43:05 PM	30			Sales	(\$44.50)		\$155.17
FTD	7/9/2007 3:56:08 PM	TFN0709			Phone Withdrawal	(\$60.00)		\$199.67
FTD	7/8/2007 5:16:18 AM	70186702			Lockbox - CD	\$200.00 ✓		\$259.67
FTD	7/3/2007 4:41:13 PM	TFN0703			Phone Withdrawal	(\$50.00)		\$59.67
FTD	6/28/2007 12:14:09 PM	37			Sales	(\$112.65)		\$109.67
FTD	6/21/2007 11:51:34 AM	19			Sales	(\$42.40)		\$222.32
FTD	6/14/2007 5:41:48 PM	50			Sales	(\$68.55)		\$264.72
FTD	6/13/2007 8:35:29 PM	33318307			Western Union	\$200.00 ✓		\$333.27
FTD	6/13/2007 5:16:36 AM	70185001			Lockbox - CD	\$50.00 ✓		\$133.27
FTD	6/8/2007 10:05:09 AM	002169			FRP Quarterly Pymt	(\$25.00)		\$83.27
FTD	6/8/2007 10:02:42 AM	GIPP0507			Payroll - IPP	\$9.60 ✓		\$108.27
FTD	6/7/2007 1:55:08 PM	TFN0607			Phone Withdrawal	(\$60.00)		\$98.67
FTD	6/7/2007 12:47:03 PM	10			Sales	(\$112.55)		\$158.67
FTD	6/4/2007 12:13:59 PM	33317607			Western Union	\$200.00 ✓		\$271.22
FTD	5/29/2007 12:26:16 PM	27			Sales	(\$40.55)		\$71.22
FTD	5/29/2007 12:25:59 PM	25			Sales	\$0.00		\$111.77
FTD	5/24/2007 12:34:35 PM	8			Sales	(\$50.95)		\$111.77
FTD	5/17/2007 11:58:32 AM	35			Sales	(\$44.45)		\$162.72
FTD	5/17/2007 11:57:58 AM	33			Sales	\$0.00		\$207.17
FTD	5/10/2007 12:41:57 PM	9			Sales	(\$51.05)		\$207.17
FTD	5/10/2007 11:13:09 AM	GIPP0407			Payroll - IPP	\$9.60 3		\$258.22
FTD	5/9/2007 9:15:04 PM	33315807			Western Union	\$200.00 ✓		\$248.62
FTD	5/3/2007 12:21:37 PM	1			Sales	(\$112.75)		\$48.62
FTD	5/2/2007 11:17:55 PM	TFN0502			Phone Withdrawal	(\$50.00)		\$161.37
FTD	5/1/2007 5:34:14 AM	70182001			Lockbox - CD	\$200.00 ✓		\$211.37
FTD	4/26/2007 5:41:36 PM	TFN0426			Phone Withdrawal	(\$30.00)		\$11.37
FTD	4/24/2007 3:00:19 PM	ITS2CONV			Phone Rev With Rel	\$17.15		\$41.37
FTD	4/21/2007 5:20:56 PM	ITS0421			Phone Withdrawal	(\$20.00)		\$24.22
FTD	4/19/2007 12:05:01 PM	16			Sales	(\$64.20)		\$44.22
FTD	4/12/2007 1:15:19 PM	GICP0407			Inmate Co-pay	(\$2.00)		\$108.42

FTD	4/10/2007 2:00:50 PM	GIPP0307 17	Payroll - IPP Sales	\$9.60 ✓ (\$104.25)	\$110.42 \$100.82
FTD	4/5/2007 1:13:03 PM	1	Sales	(\$79.50)	\$205.07
FTD	3/23/2007 12:07:44 PM	DRR0323	Sales	\$15.55	\$284.57
FTD	3/23/2007 10:00:27 AM	20	Sales	(\$81.05)	\$269.02
FTD	3/21/2007 12:17:52 PM	33312207	Western Union	\$200.00 ✓	\$350.07
FTD	3/20/2007 4:10:38 PM	ITS0320	Phone Withdrawal	(\$50.00)	\$150.07
FTD	3/20/2007 10:50:22 AM	33312107	Western Union	\$200.00 ✓	\$200.07
FTD	3/19/2007 10:13:35 PM	ITS0314	Phone Withdrawal	(\$13.00)	\$0.07
FTD	3/14/2007 7:06:34 PM	ITS0310	Phone Withdrawal	(\$15.00)	\$13.07
FTD	3/10/2007 6:33:11 PM	002100	FRP Quarterly Pymt	(\$25.00)	\$28.07
FTD	3/8/2007 3:01:55 PM	GIPP0207	Payroll - IPP	\$9.60 ✓	\$53.07
FTD	3/8/2007 2:53:10 PM	64	Sales	(\$79.90)	\$43.47
FTD	3/7/2007 5:52:06 PM	20	Sales	(\$57.10)	\$123.37
FTD	2/28/2007 5:38:52 PM	70177501	Lockbox - CD	\$100.00 ✓	\$180.47
FTD	2/27/2007 5:48:12 AM	70177402	Lockbox - CD	\$25.00 ✓	\$80.47
FTD	2/25/2007 5:29:06 AM	76	Sales	(\$109.00)	\$55.47
FTD	2/22/2007 5:57:22 PM	70177004	Lockbox - CD	\$20.00 ✓	\$164.47
FTD	2/20/2007 5:37:48 AM				

1 2 3

Total Transactions: 102

Totals: (\$91.24) \$0.00

Current Balances

<u>Alpha Code</u>	<u>Available Balance</u>	<u>Pre-Release Balance</u>	<u>Debt Encumbrance</u>	<u>SPO Encumbrance</u>	<u>Other Encumbrance</u>	<u>Outstanding Instruments</u>	<u>Administrative Holds</u>	<u>Account Balance</u>
FTD	\$156.97	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$156.97
<b>Totals:</b>	<b>\$156.97</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$156.97</b>